

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	CASE NO. 10-53290-LMC
	§	
PATRICK A. HARTNETT AND	§	CHAPTER 7 CASE
TIFFANY P. HARTNETT,	§	
	§	
<i>Debtors.</i>	§	
KERRY O'BRIEN AND	§	
SUSAN O'BRIEN,	§	
	§	
<i>Plaintiffs,</i>	§	ADVERSARY PROCEEDING
	§	
VS.	§	11-05010-LMC
	§	
PATRICK A. HARTNETT AND	§	
TIFFANY P. HARTNETT,	§	
	§	
<i>Defendants.</i>	§	

**AFFIDAVIT IN SUPPORT OF RESPONSE TO PLAINTIFFS' MOTION TO
DISMISS APPEAL AND REQUEST FOR EXTENSION OF TIME TO FILE APPEAL**

BEFORE ME, the undersigned authority, on this day personally appeared **RICHARD P. CORRIGAN**, who, after first being duly sworn, on his oath stated the following:

"My name is Richard P. Corrigan. I am over the age of eighteen years. I am licensed to practice in the State of Texas. I am in good standing and I am licensed to practice in the Western District of Texas, San Antonio Division. I have personal knowledge of the facts stated herein as I am the attorney of record for Defendant, and the facts stated herein are true and correct.

On December 14, 2011, judgment was entered against Patrick A. Hartnett. On December 23, 2011, I filed on behalf of the Defendant, a Motion for Rehearing or in the Alternative, to Alter

or Amend Judgment. The motion was denied and signed by the Court on December 24, 2011.

During the week of December 26, 2011 thru December 30, 2011, my secretary was out of the office. She usually checks the e-mails that come into my office and prints them out. On December 30, 2011, in my secretary's absence, I checked the e-mails and learned that the Order Denying the Motion for Rehearing had been entered and that the date stated at the top of the Order Denying the Motion for Rehearing (Docket #34) stated that it was entered on December 30, 2011. I printed out a copy of the Order Denying the Motion for Rehearing which contained the December 30, 2011 entry date. I was not aware of any other date that the Order had been entered (*nor did I learn of any other date, until after the Plaintiff's Motion to Dismiss the Notice of Appeal that there are two (2) dates the Clerk's Office reflects as the dates of entry*). This response is being filed the first business day (*actually a holiday*) after the receipt of Plaintiffs' Motion to Dismiss.

Being under the impression that the Order Denying the Motion for Rehearing was entered on December 30, 2011, I calculated the last date to file a Notice of Appeal and gave myself an extra day to file the Notice and decided to file the Notice not later than January 13, 2012.

Having previously talked to Mr. Hartnett, the decision to appeal was decided sometime prior to January 9, 2012. I was in a seminar on January 10 and January 11, 2012. I prepared the Notice of Appeal. I was in Cotulla, Texas on January 12 and 13, 2012 for depositions. I left instructions with my secretary to file the Notice of Appeal on January 12, 2012 and had previously given my credit card number as needed for the filing fee. I called my secretary from Cotulla, Texas on January 12, 2012 to make sure that the Appeal had been filed, and it had.

I did not consciously or indifferently delay in filing the Notice of Appeal. Docket #34 setting forth the date of the entry of the Order Denying the Motion for Rehearing (December 30, 2011) was

the only date of entry of the Order Denying the Motion for Rehearing that I was aware of and I acted in good faith in relying on the same and it was the date detrimentally relied on. Had I known of the earlier entry, I would have filed the Notice of Appeal on or before January 10, 2012. The delay of two (2) days should not prejudice the Plaintiffs, but will prejudice the Defendant from asserting a meritorious appeal; Plaintiffs will only have to defend the Court's judgment."

Affiant sayeth not.

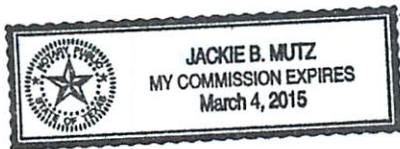
Signed this 16th day of January, 2012.

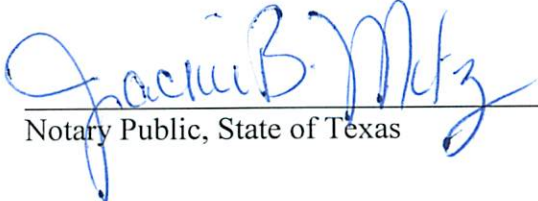

RICHARD P. CORRIGAN

STATE OF TEXAS)(

COUNTY OF BEXAR)(

Sworn to and subscribed before me on the 16th day of January, 2012, by **RICHARD P. CORRIGAN**.




Notary Public, State of Texas